

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

The Village of Cherry Valley, Winnebago & Boone County,
Illinois

Petitioners

vs.

State of Illinois, Department of Transportation Division of
Highways, and Union Pacific Railroad,

Respondents.

Petition for an Order of the Illinois Commerce Commission
directing closure of a grade crossing and a petition to open a
grade crossing with the tracks of the Union Pacific Railroad in the
Village of Cherry Valley, directing there the installation of a new
grade crossing with the cost associated with these crossings
being borne by Wildlife, Inc. an Illinois non-profit corporation
(hereinafter "Wildlife") and Waterford LLC, an Illinois Limited
Liability Corporation (hereinafter "Waterford") and Illinois
Department of Transportation (called "IDOT").

T02-0116

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AUG 8 2003

Illinois Commerce Commission
RAIL SAFETY SECTION

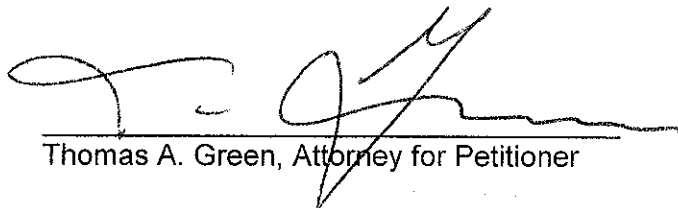
PETITIONER'S BRIEF ON EXCEPTIONS

Petitioner has reviewed the Administrative Law Judge's Proposed Order in
Docket T02-0116 and offers the following one exception:

Add a provision at the end as the second to last paragraph as follows:

"It is further ordered that, in the event the Village of Cherry Valley notifies
the Director of Processing & Information, Transportation Division of the
Commission, that the development of the subject property will not occur
within the timeframe outlined within the Order or at the conclusion of any
extensions granted, then the Order will become null and void, and the
Petitioner's obligation to construct the railroad crossing, as provided in
the Order, will lapse."

With this change made, Petitioner has no objection to the submission of the Order
to the Commission for approval.


Thomas A. Green, Attorney for Petitioner

DOCKETED

BB/ST

cc:

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